



City of Chicago
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August 12, 2019

Matt Chapman
Free Our Info
Via email at 76328-50050111@requests.muckrock.com

Dear Mr. Chapman,

On behalf of the City of Chicago Department of Law, I am responding to your Freedom of Information Act ("FOIA") request which was dated August 5, 2019 and received in our offices on the same day. You requested:

Requesting all intergovernmental agreements from 2000 to the present date under the Intergovernmental Cooperation Act 5 ILCS 220/.

You mentioned in your email that the Department of Planning and Development directed you to the Clerk's website at <https://chicago.legistar.com>. This is because intergovernmental agreements under the Intergovernmental Cooperation Act require City Council approval before they are finalized. The intergovernmental agreements are attached to City Council ordinances. The Clerk's website is thus a repository of intergovernmental agreements because the intergovernmental agreements are attached to the ordinances approving the intergovernmental agreements. I was not aware of this fact when responding to your last FOIA request, but it is still a fact now that the intergovernmental agreements are maintained online. Under Section 8.5(a) of FOIA "a public body is not required to copy a public record that is published on the public body's website." The City of Chicago maintains intergovernmental agreements online at <https://chicago.legistar.com>. Thus, the Law Department has no obligation to produce records under Section 8.5(a) of FOIA that are already maintained online. To the extent the intergovernmental agreement are already online, the Law Department has no obligation to copy those records. If you are unable to reasonably access the records online, please re-submit your FOIA request explaining why you are unable to reasonably access the records online as detailed in Section 8.5(b) of FOIA. Otherwise, the Law Department has no obligation to copy the records you seek that are published online.

Regarding the Law Department's copies of the intergovernmental agreements, your request is still unduly burdensome under Section 3(g) of FOIA. Section 3(g) of FOIA provides that "requests for all records falling within a category shall be complied with unless compliance with the request would be unduly burdensome for the complying public body and there is no way to narrow the request and the burden on the public body outweighs the public interest in the information."

As described in the responses to your previous FOIA requests, the Law Department has dozens of intergovernmental agreements for numerous projects going back to 2000. The intergovernmental agreements are located within the Law Department's files for each project, and there is no central repository of intergovernmental agreements. Thus, the Law Department would need to pull numerous boxes from our warehouse and search through these boxes manually to find any responsive intergovernmental agreements. This would take dozens of hours of Law Department time and presents a clear undue burden on the Law Department's time

and resources. There is little public interest in many of these agreements as well. Additionally, the Law Department, as legal counsel for the City, likely has copies of most if not all of the intergovernmental agreements from other City departments. This adds to the undue burden your request places on the Law Department because there are likely numerous intergovernmental agreements to search for and produce.

It is necessary that your FOIA request be narrowed and clarified. If you would like assistance in narrowing your request, please contact me, and I will assist you. You can narrow your request by asking for a specific intergovernmental agreement or agreements you are interested in. Otherwise, for the reasons provided above, the Law Department is unable to respond to your FOIA request as currently drafted.

If you agree to narrow your request, you must submit a revised written request to my attention. The Law Department will take no further action or send you any further correspondence unless and until your current request is narrowed in writing. If we do not receive your narrowed request within fourteen calendar days of the date of this letter, your current request will be denied.

In the event that we do not receive a narrowed request and your current FOIA request is therefore denied, you have the right to have a denial reviewed by the Public Access Counselor (PAC) at the Office of the Illinois Attorney General, 500 S. 2nd Street, Springfield, Illinois 62706, (877) 299-3642. You also have the right to seek judicial review of your denial by filing a lawsuit in Cook County Circuit Court.

Sincerely,

Tom Skelton
FOIA Officer – Department of Law